

In the Court of Appeals of the State of Alaska

Elliot Hernandez,

Appellant,

v.

State of Alaska,

Appellee.

Trial Court Case No. **3AN-15-05401CI**

Court of Appeals No. **A-13704**

Order

Motion to Extend Time to File
Appellant's Opening Brief

Date of Order: **October 29, 2020**

The Appellant's opening brief was due on October 2, 2020. On October 9, 2020, this Court issued an overdue notice directing Appellant's counsel, Owen Shortell, to show cause why a fine of \$50.00 should not be imposed under Appellate Rule 510(c). The notice also directed Mr. Shortell to file the brief, accompanied by a motion to accept the late-filed brief, or to file a proper motion for an extension of time to file the brief, on or before October 23, 2020.

Mr. Shortell has filed his response to the order to show cause, along with a motion for an extension of time to file the opening brief. In his response, Mr. Shortell explains that he believed that the Office of Public Advocacy intended to assign a different attorney to represent the Appellant in this case. But until that reassignment occurred, Mr. Shortell continued to represent the Appellant, and it remained Mr. Shortell's responsibility to meet this Court's filing deadlines.

After reviewing Mr. Shortell's response to the order to show cause, and considering that he has previously been sanctioned in other appeals for failing to file briefs on time, the Court concludes that Mr. Shortell shall be sanctioned in the amount of **\$50.00**.

Accordingly, **IT IS ORDERED:**

1. Mr. Shortell shall be sanctioned in the amount of **\$50.00**. Mr. Shortell shall deliver the **\$50.00** fine to the Clerk of the Appellate Courts on or before **November 16, 2020**.

2. The motion for an extension of time to file the Appellant's opening brief is **GRANTED**. The brief is now due on or before **March 31, 2021**.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

A handwritten signature in black ink, reading "Beth A. Pechota", is written over a light blue rectangular background.

Beth A. Pechota, Deputy Clerk

cc: Court of Appeals Judges

Distribution:

Email:
Ringsmuth, Eric
Shortell, Owen D., OPA - Contract
Hochberg, Jay A., OPA - Contract